

OCT 22 2004

The undersigned certifies that on October 22, 2004, this paper and the attached Second Declaration Under 37 C.F.R. §1.132 and Associate Power of Attorney were faxed to the United States Patent Office to 703- 872-9306 (6 pages)

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty Docket No.: A01087B

In re application of: Ralph C. Even

: Confirmation No. 9801

Serial No.: 10/040,170

Group Art Unit: 1713

Filed: October 22, 2001

: Examiner: Judy M. Reddick

For: Aqueous Acrylic Emulsion Polymer  
Composition

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION**

This is our response to the September 7, 2004 Office Action where the Examiner rejected pending Claims 1-2 and 4-8 as unpatentable under 35 U.S.C. §102 and/or 103 in view of Eichman U.S. Patent No. 5,990,228. As explained in our telephone interview of October 21, 2004, we believe that Eichman is inapposite. We thank the Examiner for her time in that interview, the result of which was that the Examiner indicated that the pending claims should be allowed if we presented the enclosed Second Declaration Under 37 C.F.R. §1.132 by Ralph C. Even.

As discussed in our interview and as set forth in Mr. Even's declaration, the pertinent portions of Eichman cited by the Examiner in her rejection involve a redox reaction that follows a main polymerization such that that redox reaction will produce no more than about 2% of the emulsion polymer as a result (see, e.g., Even Second Dec. paras. 6-7) . This is far from the 40% figure recited in all the pending claims.

In light of this, we request the Examiner to withdraw her art rejections.

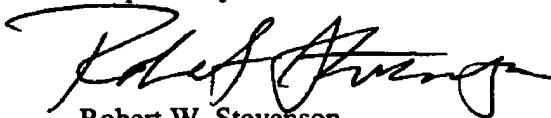
We also request that the Examiner withdraw the double patenting rejection over co-pending U.S. Patent Application Serial No. 10/410,068. That application does not

claim an obvious variant of the inventions claimed in this application. Among other things, that application claims a two-stage polymer where each of the stages has different properties from the other, the combination of which is not taught or suggested in this application.

As for "Evidence of Common Ownership" on page 6 of the Office Action, the undersigned states on information and belief that this application and U.S. Patent Application Serial No. 10/410,068 were, at the time this invention was made, owned by, or subject to an obligation of assignment to, the Rohm and Haas Company, Philadelphia, PA.

We believe this case is allowable, and we request a notice of allowance in the next action.

Respectfully submitted,



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